

Serial No. 09/813,415
Page 5 of 7

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 23, 2005. In the Office Action, the Examiner notes that claims 1-12 are pending, of which claims 1-12 are rejected.

By this response, Applicants have amended claims 1 and 7-10.

In view of both the foregoing amendments and the following remarks, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §103

Claims 1-12

The Examiner has rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over Mandel (U.S. Patent 6,170,009, hereinafter "Mandel") and Robinson et al. (U.S. Patent 6,570,867, hereinafter "Robinson"). Applicants respectfully traverse the rejection.

Applicants' invention discloses a method and technique for locally monitoring usage of resources in a plurality of nodes of a network. A node in the network sends the local report to the central management station when usage of resources at the node exceeds a threshold. The central management station, after receiving the report, will poll other nodes in the network to determine if an alarm needs to be generated. Because of these reports, the central management station is able to perform aperiodic polling on an as-needed basis as well as period polling at a fixed time interval.

Mandal teaches a policy server 122 connected to a network 108 where the policy server controls high level policy for controlling actions of devices 130, 132 such as a

398705-1

Serial No. 09/813,415

Page 6 of 7

management system's allotment of total bandwidth for video traffic. It can also control switching and routing devices within a backbone and server network (See, col. 3, lines 45-66; FIG. 1). The Examiner's attention is directed to the fact that Mandal does not disclose, teach, or suggest a centralized management station, after receiving a report from a node in the network, polling other nodes for resource information.

In contrast, Mandal does not teach a method or technique for polling other node in response to receiving the report, as recited in claims 1, 7, 8, 9 and 10.

The Robinson reference fails to bridge the substantial gap between the Mandal reference and Applicants' invention. In particular, the Robinson reference discloses a framework for network management by monitoring the network level concepts of routes and paths. Specifically, the user requests through the GUI the performance of a particular route. Data is collected for the user by polling network objects (See, col. 12, lines 1-44). The performance of the specific route and associated paths and objects are measured against a threshold (See col. 13, lines 46-58).

The Robinson reference fails to teach or suggest Applicants' method or technique for polling other node in response to receiving the report, as recited in claims 1, 7, 8, 9 and 10.

As such, independent claims 1, 7, 8, 9 and 10 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder over Mandel and Robinson. Furthermore, claims 2-3 are canceled without prejudice, claims 4-6 and 11-12 depend, either directly or indirectly, from claims 1 and 8 and recite additional limitations thereof. Therefore, dependent claims 2-6 and 11-12 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder over Mandel in view of Robinson. Accordingly, Applicants respectfully request the rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application, are non-obvious and are patentable under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Serial No. 09/813,415
Page 7 of 7

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/20/05

E J Wall
Eamon J. Wall
Registration No. 39,414
Attorney for Applicant

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808